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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,510	01/27/2004	Myoung-soon Choi	Q78873	9955
23373	7590	09/12/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, CAM LINH T	
		ART UNIT	PAPER NUMBER	2161

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/764,510	CHOI, MYOUNG-SOON	
	<b>Examiner</b> CamLinh Nguyen	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20, 12/7, 1/18/6</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 8/20/2004, 12/7/04, and 1/18/06 are in compliance with the provisions of 37 CFR 1.97, 1.98, and MPEP §600. Accordingly, the information disclosure statements have been placed in the application file and are being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 – 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 – 2 are rejected as non-statutory. All the steps of the claimed method can be carried out within the human mind. Mental steps are not patent eligible subject matter for the reason that the mental steps are insufficient to produce a useful, concrete, and tangible result, and pass the practical application test set forth in State Street. To be patent-eligible, abstract steps must produce either a physical transformation or a useful, concrete and tangible result.

For suggestion how to overcome this rejection, applicant need to produce a tangible result by amend the claim as a computer-implement method so that the claims can be performed by a computer not in a person mind.

4. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of

application amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Mercer et al (U.S. 7,043,477 B2).

♦ As per claims 1, 15

Mercer discloses a method of managing a media file database (DB), comprising:

- “ Searching for media files” corresponds to the media file that the user input to the system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
- “ Creating file directories based on metadata of the media files” corresponds to the directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer).  
The metadata corresponds to the metadata that the system obtains from the media file (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
- “ And creating link files for the media files in the file directories” corresponds to the pointer that links to another location (See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer).

♦ As per claim 2,

Mercer discloses a method of managing a media file database (DB), comprising:

- “ Searching for media files” corresponds to the media file that the user input to the system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
- “ Creating file directories based on metadata of the media files” corresponds to the directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer).  
The metadata corresponds to the metadata that the system obtains from the media file (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
- “ And copying the media files to the file directories as copied media files” corresponds to the directory that stores all the files within it (see col. 22, lines 42 – 44, Fig. 15 – 16 of Mercer).

♦ As per claims 3, 17, Mercer discloses:

- “Wherein the searching for the media files comprises executing a media file management program” corresponds to the software program in the Mercer system that creates the directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).

♦ As per claims 4 - 5, 18 – 19, Mercer discloses:

- “Wherein in the searching for the media files further comprises setting a search range for the media files and searching for the media files within the set search range” See Fig. 7, wherein the user can set the search range such as songs by artist, by album or by genre.

♦ As per claims 6, 20, Mercer discloses:

- “Wherein in the creating the file directories, the file directories are created based on criteria set by a user and metadata corresponding to the criteria” See Fig. 2A, col. 5, lines 40 – 62, Fig. 5, col. 7, lines 58 – 67 of Mercer.

♦ As per claims 7, 21, Mercer discloses:

- “Wherein the creating the file directories comprises editing a configuration of the file directories according to a selection of the user” See col. 10, lines 43 – 65 of Mercer.

♦ As per claims 8, 22, Mercer discloses:

- “Wherein in the creating the file directories, a file directory is created according to criteria set by a user and subdirectories are created by automatically classifying metadata corresponding to the criteria” See col. 8, lines 41 – col.10, lines 40 wherein the user can create a directory according to criteria set by the user.

♦ As per claims 9 - 10, 12 – 13, 23 – 24, Mercer discloses:

- “Further comprising automatically updating the link files after repeating at regular intervals of time, the searching for the media files, the creating file directories, and the creating the link files” the system must update the information since the metadata is parsed whenever the media file is inputted to the system. If the file has changed the location the metadata must indicate it and the link will be updated.

♦ As per claims 11, 14, 25 - 26, Mercer discloses:

- “Wherein the searching for the media files comprises searching for media files stored in a first storage medium, the creating the file directories comprises creating a file directory in a second storage medium, and the creating link files comprises creating the link files for the media files in the second storage medium” See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer.

♦ As per claims 15 - 16, Mercer discloses:

With similar limitations as in claim 1 further claims 15 - 16 comprising:

- “A search means” (Fig.1 and 10 of Mercer).
- “A first storage means for storing the media files and metadata of the media files” corresponds to the memory in computer 102, Fig. 1, element 110, Fig. 10, element 134 of Mercer.
- “A control means” corresponds to the processing unit in Fig. 10 of Mercer.
- “A creation means” and “a copy means” corresponds to the processing unit in Fig. 10, col. 18, lines 1 - 11 of Mercer.
- “A display means” Fig. 10, element 180, 182, col. 18, lines 12 – 27 of Mercer.

♦ As per claims 27 – 28, Mercer discloses:

- “Windows explorer” See col. 1, lines 30 – 34, col. 17, lines 4 – 47 of Mercer.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lewis et al (U.S. 5,987,469) discloses a method and apparatus for graphically representing information stored in electronic media.
- Burton Allen Yale (U.S. 2002/0091764 A1) discloses a system and method for processing and managing self-directed customized video streaming data.
- Michael Hoffman (U.S. 5,761,655) discloses an image file storage and retrieval system.
- Alexander James Burke (U.S. 6,665,687 B1) discloses a composite user interface and search system for Internet and multimedia applications.
- Adam Schmidt (U.S. 6,694,319 B1) discloses a method of characterizing video data and video data memory comprising means for generating a video data code.

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- Dang et al (U.S. 5,778,374) discloses a compressed common file directory for mass storage systems.
  - Otomo et al (U.S. 2001/0010049 A1) discloses a system of sharing objects having a plurality of contents.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272 - 4146. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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